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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/512,027	10/19/2004	Russell Phillip Blake	6906		
7590 12/12/2005			EXAM	INER	
Karla M Blake			MENDIRATTA, VISHU K		
Post Office Box	k 8503				
Mt Pleasant QL	LD,	ART UNIT	PAPER NUMBER		
AUSTRALIA		3711			
			DATE MAIL ED: 12/12/2005		

Please find below and/or attached an Office communication concerning this application or proceeding.

PTOL-326 (Rev. 7-05)	Office Ac	tion Summary	Part	of Paper No./Mail D	ate 20051208			
Attachment(s)  1) Notice of References Cited (PTO 2) Notice of Draftsperson's Patent D  3) Information Disclosure Statement Paper No(s)/Mail Date  U.S. Patent and Trademark Office	rawing Review (PTO-948)	5) <u> </u>	nterview Summary ( Paper No(s)/Mail Dat Notice of Informal Pa Other:		D-152)			
<ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>								
Priority under 35 U.S.C. § 119	ada af a alaim far faraign	priority under 2E		(d) a= (5)				
9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.								
Application Papers								
5) ☐ Claim(s) is/are 6) ☑ Claim(s) <u>1-20</u> is/are re 7) ☐ Claim(s) is/are	n(s) is/are withdrawallowed. ejected.	wn from considera						
	with the practice under E	x parte Quayle, 1	935 C.D. 11, 45	3 O.G. 213.				
	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.							
2a)☐ This action is <b>FINAL</b> .	Responsive to communication(s) filed on <u>19 October 2004</u> .  This action is <b>FINAL</b> .  2b) This action is non-final.							
Status	unication(s) filed on 10 O	latabar 2004						
A SHORTENED STATUTO WHICHEVER IS LONGER, - Extensions of time may be available after SIX (6) MONTHS from the mail - If NO period for reply is specified abo - Failure to reply within the set or extered and the set of the	FROM THE MAILING Downder the provisions of 37 CFR 1.15 ing date of this communication.  The province of the maximum statutory period with the period for reply will, by statute than three months after the mailing	ATE OF THIS CO 36(a). In no event, howe will apply and will expire S , cause the application to	MMUNICATION ver, may a reply be time SIX (6) MONTHS from to become ABANDONED	ely filed he mailing date of this c ) (35 U.S.C. § 133).				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply								
Office Action Summary		Vishu K. Mendira	tta	3711				
		10/512,027 Examiner		BLAKE ET AL.  Art Unit				
		Application No.		Applicant(s)				

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#### **DETAILED ACTION**

### Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. The claims are generally narrative and indefinite, failing to conform with current

U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claim limitations are run-on sentences with no clear meaning

For example in claim 1, limitation "each said piece being simultaneously......are the element 9" is not tangible and appears to be rules for playing.

## Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 4. Claims 1-5 rejected under 35 U.S.C. 102(b) as being anticipated by Hardenstein (1666448).

Hardenstein teaches game pieces with number indicia in four sections (Fig.1C-F).

## Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-20 rejected under 35 U.S.C. 103(a) as obvious over Hardenstein (1666448).

Hardenstein teaches game pieces with number indicia in four sections (Fig.1C-F). on face. The only difference between applicant's tiles and cited tiles resides in meaning and information conveyed by printed matter not considered patentable Ex. Parte Breslow 192 USPQ 431.

In order to aesthetically appeal to potential players, it would have been obvious to modify game piece faces by printing attractive indicia.

One of ordinary skill in art at the time the invention was made would have suggested modifying face indicia to attract potential players.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. 2383081,490689.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishu K. Mendiratta whose telephone number is (571) 272-4426. The examiner can normally be reached on Mon-Fri 8AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim can be reached on (571) 272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VKM December 8, 2005 Vishu K Mendiratta Primary Examiner Art Unit 3711